

## CRITICISM OF JUDGE GEO. W. RAY

FOR NOT PASSING PROMPTLY ON THE GREEN CASE.

It Has Been Pending Before Him Nearly Fifteen Months and the Department of Justice Criticizes Him for His "Unreasonable and Unnecessary" Delay,

WASHINGTON, May 21 .- Caustic criticism of Judge George W. Ray of the United States Court for the Northern District of New York for his "unreasonable and unnecessary" delay in passing on the case of former State Senator George E. Green of Binghamton is contained in the brief which Solicitor-General Hoyt has filed with the Supreme Court in support of his motion dismiss Green's appeal from Judge Rav's decision. The case was pending before Judge Ray nearly fifteen months, eight of which were occupied in reaching a decision, which delay brought from the Department of Justice the extremely unusual course of serving upon the Justice a petition in writing requiring an early determination.

Green was indicted in this city in October. 1903, on charges of conspiring to defraud the Government in connection with the purchase of Doremus canceling machines and Bundy time recorders for the Post Office Department and with bribing George Beavers in connection with the former transactions. Two additional indictments alleging bribery and conspiracy were afterward returned against him, but his arrest at Binghamton on Nov. 9, 1903, was based on the three first named.

United States Commissioner Hall, before the proceedings were held, refused to accept the certified copies of the indictments as evidence for removal for trial, but upon the submission by the Government of the testimony in support of the charges, on Feb. 18, the Commissioner committed Green for removal. Green, the same day, applied to Judge Ray for writs of habeas corpus, which were issued and he was released on bail, but "for one cause or another." says the brief. the hearing was postponed until June 80, 1904, notwithstanding the repeated requests of the Government for prompt action.

Judge Ray had the case under consideration for eight months, despite the fact that the Supreme Court on April 11, 1904. in the Beavers-Henkel case passed upon the same question raised by Green, namely, that the copy of the indictment was sufficient cause for removal for trial. It was not until March 13, this year, that Judge Ray rendered his decision dismissing the writs of habeas corpus, but on April 4 he granted three appeals from his decision to the Supreme

As soon as the required notice could be given the Government asked the Supreme Court to dismiss the appeals or affirm Judge Ray's decree, this motion being submitted last Monday. The urgency of the case is referred to by Solicitor-General Hoyt, in view of the fact that as the Supreme Court will adjourn from May 29 until Oct. 10, unless the appeals can be disposed of at the present term, more than two years will have elapsed in an effort to secure Green's

removal. The Solicitor-General's brief asserts that there is no merit in the appeals; that all the questions raised were fully decided by the court in the Beavers case, and that they are presented solely for the purpose delay. In referring to Judge Ray's failure to dispose of the case promptly the Solicitor-General says:

"If the Federal courts are nance and encourage such unreasonable and unnecessary delays in cases in which the executive arm of the law is seeking to bring persons charged with offenses against the laws of the United States to a speedy trial it is manifest that the Government is practically powerless to prevent them.

"Although the Government did every thing in its power to secure a prompt hearing, it was repeatedly postponed, and after their submission and despite the extraordinary method adopted of serving upon Judge Ray a petition requiring an early decision, and that there was apparently nothing to prevent the Court from rendering its judgment within a reasonable time, all the questions of law having been already decided by the Supreme Court, it required eight months to secure action. The uncalled for delay had quite seriously hampered and interfered with the Government the prosecution of the Post Office cases.

"We therefore feel that the public interests demand that we put forth an effort to secure, if possible, a recognition by this Supreme) Court of the right of the hovernment to have cases of this character speedily determined by the courts issuing the writs, in order that the Government may have such cases promptly brought before the court of last resort for final determination. We respectfully submit that the Department of Justice ought not to be required to apply to this court for a writ of mandamus in order avoid a situation such as Government has been confronted with in hese cases, and we confidently believe that an expression from this court to the effect that when writs of habeas corpus are issued for the removal proceedings, the Government is entitled to a speedy determination of such cases will in the future prevent such unreasonable delays and will at the same time materially tend to the preservation of those cordial relations which ought to and do exist between the three great branches of the Government.

"It must be manifest to this court that the Executive Department of the Government naturally would be most reluctant to resort to an extraordinary proceeding by way of mandamus for the purpose of requiring a judicial officer of the Government to perform within a reasonable time a duty which the law requires him to perform, namely, to decide without unneceseary delay a case of great interest and importance to the Government. We have, herefore, deemed it proper, after much sericus reflection, to respectfully sugges to this court the propriety of its taking ecasion in these cases to remind the in ferior Federal courts of the great necessity for a speedy hearing and determination for a speedy hearing and of cases of this character."

## Talk of Chanler for District Leader.

Some of the Democrats in the Fifth Assembly district have recently approached William Astor Chanler, the former Congressman, with the idea of having him our for leader in the district at the next primaries. Capt. Chanler, who sailed or Cuba recently, is said to have expressed bis willingness to run if Joseph F. Prender-cast, who succeeded Senator Martin as leader, was not to be a candidate. It was said yesterday by Mr. Prendergast's friends that the latter had no intention of retiring as leader. He is secretary of the Depart-ment of Water Supply, Gas and Electricity.

U. S. BUYING SHIPS ABROAD. Eight Said to Have Been Launched for Us in a Chinese Yard.

ELIZABETH, N. J., May 21.-The suggestion that the Panama Canal Commission might buy ships and supplies abroad if obtainable cheaper than in American markets, and the discussion that has followed, has recalled to those who are aware of the facts, that even now it is apparently not the policy of the United States Government to purchase all its ships from American

varda. Since the acquisition of the Philippines several vessels have been constructed for use in the insular service of the United States, and the contracts for many of these have been given to foreign companies. Within twelve months and before March there had been launched eight ships from the yards of the Whampoa Shipbuilding Company, about twelve miles from Canton, China. While the shipbuilding industry was in a state of stagnation at home, in the foundries and machine shops of Whampoa men were busy day and night turning out material to be used in the construction of American ships.

The eight boats launched were 160 feet long, of 1,000 horse-power, and their contracts called for a speed of twelve knots an hour. Some of them developed a speed of one-sixth of a knot better than this over their trial courses. They were fitted with electricity, a complete distilling apparatus and cost the Government in no case less than \$85,000 each. Although Chinese help is used at Whampoa wherever available it is said that the ships could be constructed here at the same cost.

### OHIO WON'T NAME CANDIDATE.

No Indorsement for 1908 at Coming Repub-Hean Convention-Few Platform Changes. COLUMBUS, Ohio, May 21 .- With the Ohio State Republican convention but three days away politicians from all over the State are dropping into town. The pre-

liminaries may be said to be completed. President Roosevelt has seen a rough copy of the platform and has been informed of the tenor of the main utterances which Secretary of War Taft will make as chairman in what from time immemorial has been styled the keynote speech. Platform and keynote speech will be in accord with each other and with the President's policies unless it be the tariff plank, which is said to go no further toward revision than the

Chicago platform. Trust regulation, but not annihilation, will be treated in a separate plank. Greater America, as exemplified in the Philippines and Panama, will give opportunity to compliment Secretary Taft, the Ohio member of the Cabinet.

Neither Taft, Foraker nor anybody else will be indorsed for President in 1908. There never has been any intention of doing such a thing this year.

With the possible exception of Lieut .- Gov. Harris all the State officers will be renominated by acclamation. All that now stands in the way of the renomination of Gen. Harris is the announced intention of Judge S. H. Bright of Logan and ex-Representative Samuel B. Taylor of Toronto to stand as candidates

#### SECY SHAW'S TARIFF SPEECH It Was Revised by the President Hefore

the Secretary Went to Cleveland. WASHINGTON, May 21.-The advance tariff policy advocated by Secretary haw in his speech at Cleveland last night was no surprise to leading members of the Administration in Washington, Mr. haw read his speech to President Roosevelt before leaving Washington for his Western

trip, and the President made certain suggestions which led to material changes in the original draft. The Secretary also dis cussed the subject matter of his speech with other persons two or three days before he went to Cleveland, and to them he made it clear that the policy of the Administration is to retaliate against nations which discriminate against us in trade matters. Mr. Shaw advocates legislation establish-

ins a maximum and minimum tariff system, but he would not employ this system as is employed in some European countries. He favors the establishment of a maximum tariff which will be used simply as a club. and he would use it relentlessly on such nations as discriminate against the United States. Secretary Shaw does not believe in reciprocity, for he says reciprocity is simply another name for discrimination. and the United States Government, he holds, resents discrimination on the part of others and should be in a position to

#### THROWN IN FRONT OF CAR? One of Two Wrestlers on the Williamsburg Bridge Mortally Hurt.

Two men were seen wrestling on the plaza at the Williamsburg end of the Williamsburg Bridge last night. They didn't attract particular attention until one of the two fell in front of a trolley car coming from New York. Several of the witnesse say the man was thrown in front of the car, which was running down the incline at good speed. The man was hit by the fender and rolled under it before the car

could be stopped. The wheels of the front truck didn't go over him, but he was unconscious and badly hurt when he was pulled from under the car. His skull was broken, as were five of his ribs, his right arm and left leg. He was taken to the Williamsburg Hospital, where it was said he could not possibly

The moment the fender of the car hit him the other man took to his heels. He was followed by a half dozen people for three blocks, but he got away. Neither man seemed to be drunk. The police have little to work on, not even a good descrip-

The injured man is about 25 years old and he looks like a foreigner. He was dressed fairly well, but had nothing on his person which showed who he was,

## MARRIAGE HASTENED

Because Both Parents of the Bridegroom

Are Dangerously Ill. Andrew Ernest Foye, secretary of the Ryan Parker Construction Company, and Miss V. Annette Juilliard were married yesterday afternoon at the home of the bridegroom's rarents, 163 West Seventy-ninth street. Mr. Foy is the son of Andrew J. C. Foyé, who is a director of the Consolidated National

The marriage was hastened on account of the serious illness of both Mr. Foys's father and mother. The couple had been engaged for several months.

On May 4 the elder Foye, who is 71 years of age, was stricken with paralysis. Or Saturday sira. Foyé broke down unde the strain of caring for her hysband. At her request the marriage took place at

MISS LELAND STRUCK BY AUTO. MISSING GIRL GETS HOME

FAMILY FIND ALICE WHEELOCK -THREE MEN ARRESTED.

Lawyer Who Offered to Return the Girl if Her Folks Would Consent to Her Marriage and Two Persians Locked Up-Seems Dazed, Perhaps Drugged

Alice Wheelook, the fourteen-year-old girl who disappeared from her home at 85 Hawthorne street, Yonkers, Friday night, was found yesterday and brought back to her home after a series of incidents as surprising as those surrounding her disappearance. A lawyer and two Persians were locked up in the Yonkers police station on a charge of kidnaping and abduction made by the girl's father.

It was about 7 o'clock yesterday morning that a Persian who is connected with Andrew's Episcopal Church called at the Wheelock home.

The early morning visitor at the home of the missing girl said he had some information to give about the girl. Martin Wheelock, her father, and Joseph A. Parsons, her brother-in-law, were away at the time. Martin Wheelock, Jr., a boy of about 16, talked with the visitor. The Persian said he had been informed that the girl was in New Britain, Conn., and was willing to return home if her family would stop the search for her.

The boy agreed to drop the case so that his sister might return. The Persian went away with the message and at 11 o'clock Lawyer W. C. Beatty of 73 Livingston avenie, who is a prominent member of St. Andrew's Church, visited the house.

"If her parents will give their consent that sife shall marry Malcolm Colia she will return home in a short time," young Wheelock says the lawyer told him. they will not consent then the Persian and the girl will leave the country and go to Persia. Money will be raised for colia so that he and the girl may sail on Tuesday."

"Can you tell me where my sister is?" asked the lad. "I can easily find them. I'll go to see them if your family is ready to drop the

case," the visitor answered. The lawver left the house and was gone but a short time when the father and brother-in-law came home discouraged. The boy told them all that occurred. The two men went to Police Headquarters, got Roundsman Crowe and then went before Judge William C. Kellogg, who issued warrants for the arrest of Beatty and John and Malcolm Colia.

They got back to the house before 2 o'clock and the policeman went into the rear parlor. Promptly at 2 o'clock the lawyer came. Parsons received him this time. "I know where the girl is, but I am under

a promise not to tell," the lawyer said. "Can't you break your promise? see how her parents suffer over her absence."

"No. I cannot, " said the lawver. At a signal from Parsons the policeman

stepped into the room and arrested the Shortly after Crowe had started for the station with the prisoner a Persian an-

proached and the lawyer whispered somehing to him and then gave him a note. A half hour later the telephone in the Wheelock home rang and when Parsons

went to the receiver a voice at the other end of the wire said that Alice Wheelock could be found on the top floor of 182 River-The girl's father and his son-in-law

hastened to the police station, got Crowe and another policeman and started for the Riverdale avenue address. It is a three story wooden building in which six Persian families live. The visitors rapped at a door on the top floor. When the door opened a number of men and women were sitting about the room. Parsons saw his young sister-in-law sitting in a big rocking chair He waiked up to her and she greeted him with "Is that you, Joe?"

She showed no emotion and her brotherin-law says she appeared to be dazed. The room was part of the home of Jonathan Tamraz and his wife, both Persians. Maicolm Colia, who was suspected of being concerned in the girl's disappearance, was there and so was his brother John, the baker. Both were placed under arrest Mr. Wheelock took his daughter by the hand and said: "Come away from here, Della." That is the pet name used in her

The girl threw her arms about her father's neck and cried, but said nothing. The girl, her father and brother-in-law accompanied the policemen and the prisoners to the station. The charge of kidnaping and abduction was made against the three and they were locked up to await a hearing this morning.

Mr. Wheelock took his daughter home. She scarcely spoke to her family and seemed indifferent to what had happened.

She did tell her mother, however, that she had been in New York city since Friday night and had left there yesterday morning. She gave no details of the trip

Mrs. Wheelock stuck to it that her daugh ter had been drugged. Parsons does not agree with her. He said that he was convinced that the Persian had a strong mental influence over the girl and could easily get her to obey all his wishes. The police do not believe the girl had been drugged.

## AUTO TURNED TURTLE.

Car Rammed It on Madison Av.- 3 Men in It Almost Unhurt.

A gasoline touring car driven by James Runyon of 39 West Sixty-sixth street and carrying George Unger of 14 East Fortyeventh street and Daniel Thompson of 172 Milton street, Brooklyn, was rammed by a northbound Madison avenue car at Fifty-seventh street yesterday afternoon and hurled to the sidewalk in front of the Madison Avenue Reformed Church.

The auto was going east and as the car approached the driver sounded his horn. The motorman apparently thought it a signal that the auto would wait for him to pass, for he turned on full speed. The car struck the auto on the hind wheels.

When the automobile hit the sidewalk, it turned over and the gasoline tank blew up with a loud report. The car came to a stop and many of the passengers rushed back to rescue the three men. When the auto was righted, it was found that no one was hurt except Runyon, and he escaped with a sprained wrist. The men called a cab and drove away, leaving the smeking wreck to be called for later.

new fast train on the New York Central, leaves rand central Station 230 P. M.; arrives Albany o. Cilea 7:11, Syracuse 8:23, Rochester 9:26, Buf-do 11:50 P. M. No excess fare.—Adr.

Aged Woman's Skull Fractured and Her Death Regarded as Certain.

While crossing Sixty-eighth' street near Fifth avenue yesterday morning, Miss Olive M. Leland of 692 Park avenue was knocked down by an automobile of the New York Transportation Company driven by George Cotter of 101 West 101st street. She is likely to die. Miss Lefand, who is 77 and rather deaf, apparently did not hear the automobile approaching and stepped from the sidewalk directly in its path.

She was not run over, but as she fell the

step on the side of the machine struck her head, fracturing the skull. Cotter at once stopped his machine and went to Miss Leland's assistance. Finding that she was badly hurt, he placed her in the auto and drove to the Presbyterian Hospital. It was said at the hospital yesterday that Miss Leland had little or no chance of recovery. Cotter was arrested later and locked up in the East Sixty-seventh street police station, where he was held without bail. He says he was going slowly and signaled to Miss Leland with the horn. He thought she heard him, when she suddenly stepped from the sidewalk almost under the wheels.

Miss Leland was walking to the Collegiate Church at Forty-fifth street and Fifth avenue, as was her custom on fine days. She has always refused an escort notwithstanding the fact that she was almost totally deaf.

Miss Leland is the sister of Amory Leland, who is a member of the Union Club.

DIED OF UNKNOWN POISON. Miss Seiter Told Police She Took It as Cough Medicine on Saturday Week.

Miss Amelia Selter, 60 years old, of 325 West Fifty-seventh street, who was taken to Roosevelt Hospital on May 13 suffering from an unknown poison, died there last night. She was found in a drug store at Forty-second street and Eighth avenue She told policeman McKeon that she had purchased a bottle of what she supposed to be cough mixture and had been poisoned. When she reached the hospital she became unconscious, and remained in a state of

come until she died. After her death the police started to investigate, but ceased their efforts when they learned that Miss Selter had lived in a boarding house. Coroner Scholer started an investigation and discovered that the woman was a sister of Andrew M. Selter, a Cotton Exchange broker, of Plainfield, N. J.

Mr. Selter was notified, but had not been neard from last night. The Coroner also learned that Miss Selter had taken the poison before reaching the drug store and that she went there in search of an anti-

Where she got the poison or what sort it was is still unknown. Coroner's Physician Weston will hold an autopsy to-day.

UNION MAN TO CONFEDERATES. Gen. G. B. Loud Talks to Veterans at

Mount Hope Cemetery. The Confederate Veteran Camp of New York held its annual memorial exercises at Mount Hope Cemetery yesterday after-noon. For the first time in the history of the organization a Union veteran, Gen. G. B. Loud of W. S. Hancock Post, delivered the memorial address He said "Your selection of a Union veteran to

address you, forty years after Appomattox, in memoriam of your sleeping dead, is a benediction upon our reunited patriotism. A brave heart arouses our admiration, whether it beat under a coat of blue or of gray. God forbid that any of us of either side should forget the matchless devotion to duty, the courage and the endurance or those of the same lineage who fought upon the other side.

"Every sectional division has been blotted out in our last war for the defense of our common country, and every boy who now falls while fighting for the flag is neither Northerner or Southerner, but just our

Representatives from U. S. Grant, Alexander Hamilton, Lafayette, Claffin and W. S. Hancock posts, G. A. R., attended and sent floral tributes. J. E. Gravbill, for the Confederate veterans, thanked Gen. Loud and the G. A. R. men for their participation

### KNOX DESERTS PITTSBURG. Feeling Against Him in Western Pennsyl

vania Increased by Renting of His Home. PITTSBURG, May 21 .- United States Senaor Philander C. Knox has leased his home on Elisworth avenue, Shadyside, to President A. C. Dinkey of the Carnegie Steel Company for three years, and to all intents and purposes has abandoned Pittsburg as a residence. Hereafter the man supposed to represent the western part of Pennsylvania in the Senate will spend his winters in Washington and the rest of the year at Valley Forge, near Philadelphia.

It cannot be denied that the renting of his home for such a long period and practically cutting adrift from Pittsburg has increased further the feeling against Mr. Knox here. The voters of western Pennsylvania have not felt kindly disposed oward Mr. Knox since it was made known that last fall he had to be forced to come to Pittsburg to make an address. His popularity wasn't increased either when not long since the county delegation voted him as their chairman at the State Republican convention, and Mr. Knox sent word that he would not only not act as chairman, but he would not be at the convention.

### THREATEN KING PETER. Servian Ruler Is Warned to Leave the

Country. Special Cable Despatch to THE SUN BELGRADE, May 21 .- The entire Servian press, with the exception of two Government organs, has joined the opposition, and is carrying on a violent campaign

against the dynasty of King Peter. The Narodni Listy warns the King to leave the country if he wishes to save his life. The Opposizia compares his Majesty with a tramp, who was never meant to stay in one place.

The Stampa, the organ of King Peter's former secretaries, declares that he has shown himself incapable of governing. The Vetchernt Novost demands that the experiment, for the sake of which King Alexander was murdered, now cease.

The Prarda says it fears that the annirersary of the assassination of King Alexander and Queen Draga (June 11) will not pass without bloodshed.

Latest Marine Intelligence.

Arrived: Ss Caribbee, Bermuda, May 18: St Caracas, Porto Cabello, May 12; Ss Bradford, Fort Antonio, May 17.

One of the most inspiring pictures in our country, the Hudson Valley in its bursting spring beauties a seen from the Day Line.—Adv.

## RUSSIAN FLEET HAS SPLIT

ELEVEN SLOW SHIPS RETURN TO INDO-CHINESE COAST.

Rest Believed to Be Hurrying Toward Vladivostok-Hongkong Thinks Toge Will Let Them Get There and Then Blockade the Port-Transports Seen

Special Cable Despatch to THE SUN. Paris, May 21.-The following has been communicated to the press by M. Thomson, Minister of Marine:

After its departure from Port d'Ayot the Russian squadron went to Hainan Island, where it anchored to take coal On either the night of May 19 or May 30 part of the fleet, composed of eleven vessels. returned to the coast of Anam, cruised about for two hours and then anchored off Port d'Ayot outside of territorial waters.

News of this was telegraphed to Saigon, reaching there about 8 o'clock this morning. Admiral de Jonquières, the French commander, at once decided to go to Port d'Ayot in order to make sure that the rules of neutrality are not violated. He embarked on a cruiser, bearing strict and precise instructions.

It is believed that the return of the less swift and less strongly armed of the Russian vessels is a ruse conceived by Admiral Rojestvensky with the intention of deceiving Admiral Togo into the belief that his entire fleet has returned, while as a matter of fact he is making for Vladivostok with all speed with his best ships.

The return of the vessels caused no excitement at Saigon, as they are outside of the jurisdiction of France.

A later telegram received at the Ministry of Marine says the Russian vessels that returned are the auxiliary cruisers and the volunteer fleet. They were seeking colliers which were awaiting them in that neighborhood, and anchored many miles from the

TOGO MAY NOT FIGHT NOW. Bellef in Hongkong That He'll Let Rus-

stans Get to Vladivestok. From THE SUN Correspondent at Hongkong. HONGKONG, May 21.—The British steamer Changsha, which has arrived here, reports that she passed on Friday last four Russian transports, one of them equipped with wireless telegraph apparatus. They were coming from Bashee Channel, which is between the Bashee Islands, north of Luzon,

and the island of Formosa. It is the general opinion here that the Japanese will allow the Baltic fleet to reach Vladivostok without molestation, after which they hope to repeat the program they carried out at Port Arthur, which resulted in the practical destruction of the

A despatch from Haiphong states that Admiral Rojestvensky's fleet left Honkohe Bay last Friday evening and steamed north-

ward. PARIS. May 21 .- Advices have been received here from Hongkong to the effect that numerous vessels are off the Mekong delta as far as Cape St. James, a majority of which seemed to be stationed there. Most of the vessels are colliers. Forty of these are German and the remainder are British, Russian, French and Norwegian,

four or five of each nationality. RUSSIAN FORCES ACTIVE. skirmishing Goes On Along the Japanese

Left and Center. Tokio, May 21.-Official despatches show hat on May 19 the Russians busily continued skirmishing and making reconnaissance attacks along the entire Japanese

front, with the exception of the extreme right. It is reported that a large force is marching south from Musan, on the upper Tumen River, in the direction of Kyongsong

ST. PETERSBURG, May 21.-Telegrams

from Guntzuling point to the imminence of a general battle. Large Japanese forces are deploying on both Russian flanks. The correspondents hesitate to prophesy where the main attack will be directed, but all agree in stating that Gen. Linievitch will make a desperate defense of his position.

#### RUSSIAN DEFENSE COUNCIL. Czar Calls On Grand Duke Meholas to Organize It.

Special Cable Despatch to THE SUN ST. PETERSBURG, May 21 .- The Czar will send a rescript to Grand Duke Nicholas Nicholaevitch announcing his determination to establish a permanent State Defense Council, and charging that a special commission, the members to be appointed by the Czar under the presidency of the Grand Duke, be drawn up, according to the Czar's direct suggestions and the law relating to this institution, without delay.

### DISSIPATION IN HARBIN. Circus and Music Hail Proprietors Are Making Fortunes.

Special Cable Despatch to THE SUN St. Petersburg, May 21 .-- A correspondent of the Russ in Manchuris says: "I have just spent a week in Harbin, where dissipation is in full swing. The circus, theaters and music halls, especially the last, are crowded. The purveyors of pleas-ure are making fortunes as rapidly as lucky gamblers at Monaco. Money flows like

## Russian Graft at Port Arthur.

Special Cable Despatch to THE SUN LONDON, May 22.-The St. Petersburg correspondent of the Daily Mail says that the commission inquiring into the surrender of Port Arthur has ascertained that \$10,000,000 voted before the war for the fortification of that place was not used for that purpose. The responsibility is said to rest on Admiral Alexieff, formerly Viceroy of the Far East.

### KAISER'S BUSY LIFE. Travel and Reception Take Time Needed for State Business.

special Cable Despatch to THE SUN

BERLIN, May 21 .- The Vossische Zeitung

prints an article urging German statesmen and courtiers to rescue the Emperor from an excess of travel, festivities, ceremonial receptions and banquets. It declares that these are not only undermining his health, but depriving him of valuable time, rendering the transaction of State business difficult.

# TO COAL NEAR PHILIPPINES.

Report From Russian Source That the Fleet Will Go There. Special Cable Despatch to THE SUN.

LONDON, May 22.-The Paris correspondent of the Times says he learns from well informed Russian source that the rendezvous of Admiral Rojestvensky's coaling fleet is at one of the islands in Baltintang Channel, probably Babuyanclaro, upon which there is a lighthouse. This island is north of Luzon.

A Russian coaling fleet of 27 vessels and three other steamers, supposed to be carrying ammunition, with sailing orders from Hamburg, received instructions at Singapore as to their destination.

The island will be merely a point of rendezvous where the colliers will receive further instructions from Admiral Rojestvensky as to the particular harbor or bay where the fleet will coal.

This probably will be somewhere on the coast of the Island of Luzon. The Americans have only a few ships at Manila, and nothing better than a first class cruiser. They are wholly inadequate for anything more than a demonstration in the event of

coming up with the Russian fleet. From this information it would seem that Admiral Rojestvensky's intention is to continue his route to the southeast of Formosa, instead of passing through For-

DOG LIFESAVER IS KILLED. Barry H., Famous St. Bernard, Falls Inte a Crevasse.

Special Cable Despatch to THE SUN GENEVA, May 21 .- The director of the St. Bernard Hospice telegraphs that Barry II., the finest dog belonging to the hospice, which was reported to have been stolen. was not taken by a thief, but was accidentally killed while fulfilling his duty.

Three travellers, who were climbing the pass from the Italian side, probably would have perished but for the appearance of Barry. He conducted them safely to within 200 yards of the hospice, when he slipped and fell sixty feet into a newly opened crevasse. His skull was crushed. Barry saved thirty-four lives. Once he

brought a baby in his mouth to the hospice and then returned to aid its parents, who were saved by his agency. He was twice wept away by avalanches.

The monks sang a special Te Deum in his memory.

GROWS YELLOW CALLA LILIES. Burbank Produces Wonderful Blooms by

Cultivating African Specimens. SANTA ROSA, Cal., May 21 .- One of the prettiest of Luther Burbank's creations which is just attaining perfection is a yellow calla lily. At present it is engressing the attention of flower lovers.

A large bed of these beautiful lilies is blooming in Burbank's grounds. In coloring they range from light lemon to the leeper orange shade of yellow and have all the natural beauty and stateliness of their pure white ancestors. Burbank first obtained from Africa specimens which have a slight yellow coloring. These are difficult to grow because the bulb decays. To make them more hardy and easy to raise Burbank crossed them with the hardy dwarf call as and increased the richness of the yellow coloring until he has produced

DEATH ENDS FIVE WEEKS SLEEP.

Inneuel Abscess Found on Brain of Dr. Fischer of Pittsburg. PITTSBURG, May 21.-Dr. Erwin Fischer, one of Pittsburg's most prominent phy-

sicians, died early this morning after weeks of semiconsciousness and sleep. Five weeks ago Dr. Fischer, after a long, hard siege of work, practically collapsed, and since that time until this morning slept and dozed, being unconscious for periods of from four to seven days each,

then waking only for a few minutes. Dr. Karl Emmerting this afternoon performed an autopsy on the body of Dr. Fischer. On the brain he found an abscess

of large and unusual formation

KAISERIN FALLS DOWNSTAIRS. Receives Only Slight Injury to Her

Forehead. Special Cable Despoich to THE SUS WIESBADEN, May 21 .- The Kaiserin fell downstairs to-day and injured her forehead. Though her injury is slight her departure and that of the Kaiser from this city has

been postponed. TORNADO HITS FORT WORTH. Tower on Union Station Falls and Smashes

Things-Man Killed. DALLAS, Tex.; May 21 .- A tornado and terrific rain struck Fort Worth and vicinity to-night, doing extensive property damage. The tower on the union passenger station was blown down, smashing things gen-

erally in its fall and killing one man. The man killed is Jack Young. He was train despatcher in the service of the Texas and Pacific Railroad Company.

Two churches were blown down and much damage to residence districts is reported. The storm swept in between Dallas and Fort Worth, doing extensive damage in the vicinities of Lancaster and Garland. There are unconfirmed rumors of loss of life at these places. A terrific

rain fell at Dallas. SAYS ODELL HASN'T SETTLED And That His Shipbuilding Suit

Trial in Newburgh. Edward Lauterbach, attorney for ex-Gov. Odell, said yesterday that it was not true, as reported, that all the suits brought by Mr. Odell in the matter of the United States Shipbuilding Company had been discontinued as the result of a settlement. As a result of a motion made at Newburgh on Saturday before Justice Dickey, James T. Boothroyd and John W. Young were simply eliminated as de-

said.
"Mr. Odell," said Mr. Lauterbach, "still has an action pending against the Mercantile Trust Company and its officers to recover the money he was induced to invest in Shipbuilding securities, and this case is still on the calendar and will be tried shortly. It is absolutely shortly. It is absolutely untrue that there has been any settlement."
The trial of the action will take place at Newburgh, and according to Mr. Lauterbach will be called next month, probably.

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# STOLEN TIFFANY DIAMONDS.

PRICE TWO CENTS.

\$35,000 SAID TO HAVE BEEN

THEIR COST PRICE. Were Three Pendants for a Throat Ornament, Perfectly Matched and of the Finest Water-Not Easy for the Thief to Dispose of Such Valuable Plunder.

Beyond admitting the fact; members of Tiffany & Co. refused vesterday to say anything about the diamond robbery which occurred in their workshop in the building on Union Square about two weeks ago. Most of them refused to be seen at all, and the rest said that they were in honor bound not to talk. What can be stated with authority is that no part of the great Excelsior diamond was stolen, and that all the parts of that stone are still in the possession of the Tiffanys; also that the loss is less than \$50,000.

The cost of the diamonds to Tiffany & Co. it is said, was about \$35,000, which, if 40 per cent. be added for dealers' profit, would make a little under \$50,000.

While some smaller stones may have been taken the main loss consisted in three large pear shaped diamonds which were bought especially for an expensive throat ornament, not a necklace, but something of the lace-fastener family. These three diamonds were to have been the pendants. They were of the purest water and matched.

On the day when the robbery must have occurred the jeweler in charge of the necklace had taken these three stones out of the safe to match them with the pattern. As has been told before, all material used in the workshop is turned in at night through the window of a grille which surrounds a safe. All the material is then checked off and put into the safe for the night. Something must have gone wrong with the Tiffany system that night, for next morning, when the Italian workman in charge of the setting called for these particular diamonds, they were not to be found.

They say in the workroom that no outsider could possibly have taken the diamonds. It is up to the fifty jewelers, clerks and apprentices employed there. The company employs only one diamond cutter; and so far as known he had nothing to do with these gems. Whoever has got the stones will have a hard time disposing of them. Diamonds of that size are all known and catalogued. The great jewelry centers of the world have been informed, and to offer one of them for sale would be to take a great risk of arrest. They might be cut up, thus greatly reducing their value, but the number of diamond cutters in the world is limited, and approaching one of them with a proposal to do such a job would be almost as dangerous as offering the diamonds for sale in the open market.

It is understood that the Pinkertons are on the case, although they, like the Tifanys, are saying nothing. The private life and associations of every man who was in the workshop that day have been carefully inquired into, and special investigation has been made of three or four persons most likely to know something about the matter. Just now the detectives are working on the theory of a con-

spiracy.

It has been many years since so big a robbery has occurred in the trade. Most of the victims of jewel thefts in late years have been private owners. Improved manganese steel safes, the custom of recording big diamonds, better methods of checking and bookkeeping have all tended to eliminate danger. In the Old World the mail and express lines are as carefully guarded as safe deposit vaults. The entire product of the Kimberley mines, amounting to \$25,000,000 a year, is sent to the London market by ordinary registered mail. Even for private owners, safe deposit vaults have made diamonds a far less precarious asset than fifty years ago. The jewel trade is interested in this aspect of the theft, and is wondering just where the

thief found the law in the Tiffany system. The workmen about the shop have a wild theory that the thief stole the three diamonds not so much for their money value as to get even with Tiffany's for some grievance. Every jeweler would have known, they say. that stones so large and valuable could not be disposed of without the greatest risk. It would have been easy to get away with a bunch of smaller diamonds, which could have been marketed with little risk. They think that the thief intends either to hold out the diamonds or perhaps destroy

### them, with the idea of injuring the company. NO TIDINGS OF MISS JALONICK. Police Search Rospitals-Companions at

St. Luke's Questioned. The police and the relatives of Miss Margaret Jalonick, the pupil nurse in the St. Luke's Hospital training school who disappeared last Wednesday afternoon, have not learned anything of her whereabouts, although a vigorous search was kept up yesterday. The young woman's father, George W. Jalonick of Dallas, Tex., is expected in the city this morning.

Supt. George F. Clover of St. Luke's Hospital said last night: "We have not learned anything of Miss Jalonick, and I don't know what to think of the case. I have made careful inquiry among the girls in the training school who knew Miss Jalonick to find out if she had given them any inkling about her going away, but her room mate and the others said that she talked very little about herself. It is barely possible that the young woman may have gone away under some hallucination, and then again she

may have met with foul play.' The young woman was a communicant in the Presbyterian Church. The only circumstance that leads the hospital authorities to think that she may have gone away ties to think that she may have gone away on some prearranged plan is that some weeks ago she wanted to leave the school, but her parents advised her not to do so, and she gave up the idea. Just what her plans were she did not reveal at the time. Supt. Clover said that she was always well supplied with funds from her father and she seemed perfectly satisfied with her prospects as a nurse. She never complained.

The police made a search of all the hospitals yesterday, thinking that she might have met with an accident, but they could get no trace of her. Supt. Clover learned yesterday that an aunt of Miss Jalonick

vesterday that an aunt of Miss Jalonick called at the hospital a few weeks ago to see her and sailed the next day for Europe.

Dallas, Tex., May 21.—Not a word has been received either by Dallas relatives or friends of Miss Margaret Jalonick showing any new developments. The case is more mysterious, if possible, to the interested parties in Dallas than to the authorities in New York. The New York mails reaching Dallas up to to-night failed to bring the letter which Miss Jalonick promised to write her father last Wednesday night, and the mails to arrive by to-morrow morning are anxiously awaited.